



**North Dakota Emergency
Response Commission
PO Box 5511
Bismarck, ND 58506-5511**

State Emergency Response Commission Minutes

**Commission
Members**

Office of the
Governor

Division of
Homeland Security

Office of
The State Fire
Marshal

Division of State
Radio

ND Health
Department

State Highway
Patrol

Office of
Management
and
Budget

Office of
The Attorney
General

Workforce Safety &
Insurance

Department of
Agriculture

Department of
Transportation

Office of the
Adjutant General

Oil & Gas Division
of Industrial
Commission

ND Insurance
Department

Dakota Plains
COOP

Tesoro Refinery

ND Motor Carriers
Association

The 104th meeting of the State Emergency Response Commission (SERC) was called to order by the State Emergency Response Commission (SERC) Vice-Chairman, Mike Lynk, on Wednesday, September 24th, 2014 at 1:33 pm in the North Dakota Department of Emergency Services-Division of Homeland Security Conference Room, Building 35 Bismarck, North Dakota.

Vice-Chairman Mike Lynk reported that the SERC Chairman, Greg Wilz was at a required appointment and would return later. In the meantime he would Chair the meeting until the SERC Chairman returns.

As the roll call was conducted, Vice-Chairman Lynk asked each member to introduce themselves and to identify the agency they represent. It was noted that a quorum was achieved; but the, Attorney General's Office was not represented.

Vice-Chairman Lynk then related that the next order of business was a review from the last SERC meeting as there is a motion, number 4, which needs to be addressed. Motion 4 was a motion that the *"SERC authorize the Homeland Security Director in consultation with the Attorney General's office provide information to First Responders as required by the Emergency Order (EO) and to release significant changes to the public so that as long as the information received is general in nature and would not by its release constitute a security risk to the public or the rail operations until the next meeting of the SERC"*. Vice-Chairman Lynk then related that this is the next meeting of the SERC and asked for any discussion on the language for the motion. An unknown member of the SERC related that they thought that this was voted on at the last meeting.

Lynk then related that the motion was on a separate form that was provided by Chairman Greg Wilz. He went on to relate that in the minutes starting on page 14, the entire discussion was listed and Mary Kay Kelsch from the Attorney General's Office was at that meeting. Kathleen Spilman representing the ND Motor Carriers Association then asked if this discussion shouldn't be tabled and brought up for discussion later in the agenda.

Vice-Chairman Lynk agreed with Ms. Spilman and asked for a motion to approve the minutes from the 103rd SERC Meeting which was held on June 25th, 2014. Lt Col Dave Hall representing the ND National Guard made a motion to accept the last SERC meeting minutes which was seconded by Brad Darr representing the ND Department of Transportation. Motion passed.

Secretary Ray DeBoer then asked that each member speaking identify themselves when they do speak so that the transcriptionist can identify them for the record. He distributed correspondence consisting of a State Emergency Response Commission (SERC) Contact List and he identified all items in the folder setting in front of each SERC Member

Committee Reports

Secretary DeBoer provided copies of the ND Department of Emergency Services (NDDDES) Reporting, Planning & Outreach Activities Quarterly report which was discussed. Kathleen Spilman then mentioned that there might be an error on Page 2 under training and exercising under the Transcaer number of participants. The actual total was 444 participants rather than 111 as reported by Secretary DeBoer. Total will be corrected on the Committee Report by Secretary DeBoer.

DeBoer then mentioned that Chairman Wilz had asked that the order of correspondence and handouts be moved from the "Introduction" area to the "Old Business" area on the agenda. DeBoer then provided information on all of the documents inside the folder's provided to all personnel in attendance.

Secretary DeBoer then went on to discuss the documentation in the folders. The information in the committee report has been provided by the ND Department of Emergency Services (NDDDES) grants section, training section and lastly the hazardous chemical preparedness and response program section.

DeBoer continued by stating that fee collection for the Tier II program will be close to \$450,000 this reporting year. Also he stated that for reporting year (RY2014), calendar year 2015, an additional chemical will be added to Tier II reporting and all other information will be reported on under "New Business".

Renee Loh, representing the ND Firefighters Association (NDFA) presented information regarding training scheduled for North Dakota. She went on to state that by the end of the year, the ND Firefighter's Association (NDFA) will have trained over 6,000 firefighters. Renee continued with reporting that approximately 65 North Dakota firefighters had attended Emergency Response Training, in Pueblo, Colorado at the BNSF Rail Training Facility. Additional ND Firefighter's will be attending in the fall.

Ms. Loh also reported that NDFA had held over 45 hazardous materials training courses which trained over 1,200 firefighters. Some of those classes were, liquefied petroleum gas (LPG), flammable liquids, and oil field emergencies. She continued by reporting that NDFA is going to have their first ever Rescue School which will be held at the Minot Fairgrounds from December 12 through 14, 2014.

Renee then mentioned that the ND Firefighter's Association has applied for a grant from Burlington Northern Santa Fe (BNSF) Railroad to purchase a "Kidde" Fire Trainer. The fire trainer allows firefighter's to replicate a tanker car and accomplish training on the simulator. The idea is to take this piece of equipment to regional and state fire schools and train the firefighter personnel in rural areas as well. She also mentioned that on October 7 and 8, 2014, BNSF and GATX will be conducting tanker car training in Fargo.

Ms. Loh then went on to mention that she had just returned from the National Volunteer Fire Council meeting where a topic of discussion was "FirstNet". This is a program that is going to be used across the nation and will hopefully unify radio systems.

Vice-Chairman Lynk then provided some information on "FirstNet". He related that "FirstNet" came about after the World Trade Center came down on 9-11. Public Safety could not talk to each other as there was no interoperability. So, Congress authorized an act that was for the development of a national broadband plan, which they called "FirstNet". This is to be a public safety dedicated broadband system for communications. In North Dakota, the Statewide Interoperability Executive Committee (SIEC), is the committee that is handling all of the "FirstNet" procedures and processes. They're in an evaluation process right now in the state to determine what the needs for "FirstNet" are. Ultimately, the system will be a communication system that will go over a dedicated 700 megahertz band. 700 megahertz was decommissioned on UHF (Ultra High Frequency) channels. With this occurring the 700 megahertz band would be solely for public safety. It would carry data and also communications ultimately.

Lastly Renee handed out a copy of the NDFA's latest DVD which is about firefighters and leadership.

Old Business

Karen Hilfer representing the Grants section then provided updates on Homeland Security grants. She reported that 96% of the 2011 grants has been expended. There are still a few odd reimbursements coming in so that should bring them to 100% for that year. Grant year 2010 ended the end of August with 87% spent there. Those reimbursements are still coming in and she provides grantees with month-to-month notices to finalize their paperwork and submit that particular paperwork. Personnel are still working on their 2013 projects and a late award for a 2014 project was just received. Lastly Karen provided a list of the different training courses that are coming up over the next few months.

Secretary DeBoer then presented information on hazardous materials incident maps for the four regions of the state for the last quarter. He went on to state that NDDDES receives anywhere from 600 to 800 hazardous materials incident reports each quarter and it appears that this will continue for some time.

DeBoer was then asked if the sizes of the spills are being reported. He replied that they are being reported. He was then asked if the spills are small on average or bigger on average. He replied that NDDDES receives anything from a one gallon up to a 23,600 gallon fresh water spill. It varies. DeBoer went on to state that approximately 65% of the spill reports coming from the oil field reports indicate that the spill was contained within the diking/berming system around the well/site. He also stated that if the spill is contained, then it basically does not have to be reported. The oil companies are being good stewards and they are reporting anything and everything that hits the ground, whether it's in containment or not.

Secretary DeBoer was then asked if he had ever done an analysis on the root causes of these spills. Are they human error, mechanical failure, lack of training etc? He related that he had not and deferred the question to Fred Anderson from the Oil & Gas Division.

Fred Anderson representing the Oil & Gas Division responded that his agency has not done any real in depth analysis of what causes could be. He went on to state that he believes that it is likely training.

Secretary DeBoer then mentioned that the spill reports list the cause of the spill, be it a tank overfill, a valve piping leak, a stuffing box leak, a fire, equipment malfunction or failure, operator error and there is even an "other" listing. He continued and related that he has been working with Oil & Gas and the oil companies to provide information when they list "other." What does that mean? What occurred to create the spill?

Kathleen Spilman then pointed out DeBoer's earlier comment in which he said "all oil companies reporting everything"; that there are difference in opinions on what is being reported. DeBoer replied that his comment was on what NDDDES has seen from the reports that have come in.

Ms. Spilman indicated that there is a wide variation as far as reporting policies. There are individual oil companies that are reporting absolutely everything, whether or not they need to or not. But that does not necessarily extrapolate what NDDDES is seeing as far as reporting as being "everything" because there are some that are not always being reported and the far extremes, some of the bigger ones are not always being reported either. DeBoer then replied that he agreed with Ms. Spilman and indicated that he could only talk to what he has observed as being reported to NDDDES.

Fred Anderson representing Oil & Gas then mentioned, with respect to the maps that the SERC is being provided each quarter, he wondered if it would not be more beneficial for the SERC to have just a little bit more refinement with respect to spill being contained or not contained. The information the SERC gets with maps and data, the picture that it paints if it does not have the context behind it. It's really different if there is some additional small detail included and maybe it's just a lit bit of a notation at the

bottom that would indicate, these spills were contained and fall into this particular bracket and those that were not contained fall into a different bracket. This way the SERC is getting a picture on what's really happening rather than just looking at a map with dots on it.

Secretary DeBoer then replied that if he was understanding Mr. Anderson correctly he was looking for something that indicated of 175 spills, 95 of them were contained. The others were uncontained and got off site. He also asked if Mr. Anderson was looking for more specifics.

Anderson replied that he thought that was a nice idea but then he stated he was wondering if a separate map isn't even better. Something that requires some significant response activity behind it, here are the things that, you know are somewhat inconsequential. DeBoer was then asked if he knew which townships or counties the spill were in. DeBoer replied that the report contains the county the spill was in, but not the township.

Curt Zimmerman representing Workforce Safety and Insurance asked Secretary DeBoer, "so even if it's a clean water spill, if it's a tanker with clean water, it's still reported as a spill? DeBoer responded that NDDDES has received spill reports with fresh water. DeBoer then mentioned a spill report in which 23, 600 barrels of water spilled during a transfer of water when a tank or a water bladder ruptured.

Fred Anderson then related that the SERC members see that there is a lot of activity out there, maybe they need to separate the incidents and need more information on the things that are more important and would possibly require a major response or some sort of response activity.

Secretary DeBoer then mentioned that he could work with the NDDDES GIS person and have one large map that could be posted at the meetings with the spills that were contained and have a "C" for contained spill and a large "NC" for those spill that were not contained. Anderson responded that he liked DeBoer's idea and he continued with stating, "I would put forth to the committee for possible discussion or desires of what the SERC would like to see on a map because if the SERC has this, it does paint a very different picture if you don't have the context.

Vice-Chairman Lynk than stated for the record that the SERC Chairman Greg Wilz has arrived and the meeting was turned over to him from the Vice-Chairman.

Chairman Wilz then stated, "What are the issues of the commission?" He then asked Fred Anderson if he wanted to put the discussion of the maps and the listing of the spills into a motion or does there need to more discussion.

Mr. Anderson then made a motion that the SERC look at discussing what the committee's desires would be for a map configuration that was constructive.

Wilz responded indicating that there is not a need to discuss the committee's desires. He then stated to Anderson if he wanted to modify the map, the SERC would be in favor of that. Anderson replied

that he did.

Wilz then stated and if the agents' independent on what the agency tracks, this is about what the SERC wants on a map. Anderson replied to the affirmative.

Chairman Wilz then stated the agency still has to track what it tracks, but if the SERC would like to see an alternate map, whatever they want on it, we will do our best to support that request.

Lt Col Dave Hall then asked if it would make any sense to additionally try and identify those spills which required more resources or does it matter?

Secretary DeBoer then explained that in a standard response, (that is, response from a local health unit, or the state health department and the local fire department and local law enforcement, depending on the situation). If the situation is a well blow-out a fire or a major leak which create totally different scenarios, other agencies would be called in to deal with the situation. These incidents can be discussed on a case-by-case basis. He went on to explain when dealing with saltwater/brine spill and it gets off site, then NDDDES Duty Officer makes contact with the Department of Health Case Manager who then notifies the Environmental Health Unit. The environmental health unit will then decide if they will send someone to the site. If someone does respond from the Health Department the Duty Officer or myself will normally receive an email from the Health Department person indicating what was discovered, what they are doing, their actions to include who they are working with, say from the responsible party of a third party contractor, etc. This information will then be put into WebEOC. Again, this all depends on the type of spill. You can have 100 barrels of a chemical that gets into water that's not going to do much damage or create a major concern, but then again there could be one gallon of a chemical spilled into the same source of water and that creates a major issue. So each incident is different and will depend on the chemical spilled.

Lt Col Hall then related he understood and stated that's why he was thinking whether it's a gallon or 500 gallons would not be significant, but the response to mitigate the spill might be something the SERC is interested in.

Kathleen Spilman then related that from her perspective, a bunch of dots on a map every month that shows nearly the same spot each time does not provide her with any information to make an assessment on whether the response by local and state resources is adequate and they are adequately prepared for that response and whether or not the response is correctly done. She went on to relate that she thought that the committee needs to modify the map to make the information that needs to be brought in front of this committee in a more useful format. She further indicated that she liked the idea about reporting whether a spill was contained or not-contained, but considering the number of dots on the map will be too messy. So if we just had a map with just the ones that were not contained, based on

what other information is being submitted, will be an interesting shift. There will be a higher portion of incidents in the eastern portion of the state than what is depicted currently, because the oil fields has got much of their materials in secondary containment. She indicated that she was not certain on this but it would be good to validate that assumption. Ms. Spilman continued her discussion with stating that her main concern is not with those spills that are contained, but those that are not contained or there is the need for a major response. She want to know what part of the state needs resources, if called upon to assist and if they all tend to be in the northwest part of the state than the SERC better be making sure we're focusing resources in that part of the state.

Chairman Wilz then asked Ms. Spilman to provide her definition of "contained." She responded that from her perspective, anything that does not leave the well site. The information supplied on the spill report. Fred Anderson from Oil & Gas agreed with Ms. Spilman's definition.

Ms. Spilman then mentioned that's all you have to work with. The information that is in the spill report. She went on to state that there is no way to know whether or not the oil companies are legitimately and accurately reporting this information, but you go with the box that is checked and if they indicate they checked the contained box, that's what you report. Fred Anderson replied that what Ms. Spilman mentioned is a good point for, possibly a notation at the bottom of the map that just states that, this information is what was reported on the report.

Ms. Spilman then went on to mention that since she represents the ND Motor Carriers Association, it might be nice to know if there are any incidents that involve surface transportation like a truck or a semi, or where would you put information on a pipeline? Would you put a pipeline as transportation or is this transportation related to rail cars or trucks, etc. Brad Darr representing the ND Department of Transportation (NDDOT) related that to him it would be helpful to have highway information on the map.

Curt Zimmerman representing Workforce, Safety and Insurance (WSI) then asked if there is any information on the spill report that indicates that waterways or water supplies are in the vicinity or are affected form the spill. Secretary DeBoer replied that personnel are asked if any waterways are affected by this incident. Sometimes personnel answer the questions and sometimes they do not, but they have the ability to provide that information. DeBoer then explained who the Duty Officer's are required to notify in incidents. He also related that there is a Haz-Mat Incident Group that includes the Governor's Office whenever there is a 250 barrel spill that is not contained. Also if there are any waterways are affected, if a semi-tanker is involved in an incident where it is laying on its side and product is leaking or not and if there are any injuries in hazardous materials incidents.

Chairman Wilz then mentioned that his understanding of the discussion is that the SERC would like to see a map with primarily those incidents which are uncontained and also the state road network to

show any transportation related incidents. Kathleen Spilman then made a motion to that effect which was seconded by Fred Anderson. The motion passed unanimously.

Secretary DeBoer then provided an update on the 2014 Hazardous Materials Conference which is scheduled for October 29, 30 and 31, 2014 at the Ramkota Hotel and Convention Center in Bismarck. DeBoer related that in the folder for each SERC member is a copy of the agenda for the conference with the general and breakout sessions listed. He also related that as of today's date, September 24, 170 personnel had registered for the conference. There are also eight vendors that have related that they will be in attendance. DeBoer also stated that he had contacted approximately two-thirds of the oil companies in North Dakota and invited them to the conference and also solicited them as vendors if they so desired.

Chairman Wilz then brought the discussion back to Motion #4 in which he then stated that he had some concern with this motion because in his mind it seemed to set itself to expire today given that this is the next SERC Meeting from the last one. He read it again very quickly: *"The SERC authorizes the Homeland Security Director in consultation with the Attorney General's office provide information to First Responders as required by the Emergency Order (EO) and to release significant changes to the public so that as long as the information received is general in nature and would not by its release constitute a security risk to the public or the rail operation until the next meeting of the SERC."* Wilz continued with stating that we are now at the "next meeting" of the SERC and he asked Vice-Chairman Lynk if there had been any discussion in terms of how many subsequent reports or other information NDDDES has received and he replied "no."

Chairman Wilz then went on to state this issue has just died away. Amazingly, but almost predictably, we have not received any additional reports since the last SERC Meeting. He continued with indicating that NDDDES had one media call immediately the week right after the SERC had met. Other than that it's pretty much dying away.

Kathleen Spilman asked if there had been any changes received from the railroads and Wilz replied that there had not been any received. He went on to state they are all within that 25% variance up or down and so we've not seen any updates from the railroads. He continued and related that he would like to know the wishes of the SERC. Does the SERC want to continue on meeting to meeting on this motion, or expend it, extend it?

A question was asked by Fred Anderson, I understand there was no requests for the information? Chairman Wilz replied there had been one additional request since the last SERC Meeting. Anderson went on to state "I think we should entertain extending our ability to release that information well beyond meeting by meeting or quarterly by quarterly."

Kathleen Spilman then asked one additional question which was, "Have the railroads objected or appealed our releasing of that information"? Wilz and Lynk both replied that there had been none. Spilman then asked, "They're not pursuing any additional legal actions"? Wilz replied "No."

Chairman Wilz stated, this is truly something he believes the SERC can extend if the SERC is more comfortable wanting to formally tell us as an agency or him as the Director or whatever doing this that the SERC wants to know about it at every meeting. This can be amended if you wish that the SERC Chairman will provide a report as to how many reports have been received and issued since the last meeting. He continued with stating he is flexible and he wants to give the SERC wants.

Kathleen Spilman related, the fact that the issue has in fact died down, she is okay making a motion to remove the meeting by meeting restriction and placing that with just a report under the committee reports section on the agenda as to how many media and how many changes and update from the railroads have occurred and if there's been any subsequent legal action.

Chairman Wilz then related, "We've got a motion that pretty much verbatim follows Motion #4, deletes the "until the next SERC meeting", but adds "adding to the agenda reports, requests, and any legal actions based upon the railroad information." He then asked for a second to the motion. The motion was seconded by Lt Col Dave Hall from the National Guard. Motion passed.

New Business

Karen Hilfer from the Grants Section presented Hazardous Materials Emergency Preparedness (HHMEP) Grant update information. She related that she had received the federal award over a month ago, (would have been in August 2014) and is very unusual for US DOT. Karen continued with relating that she will be notifying the counties that will be receiving the awards so they can start their projects. She also then asked the members if they remembered her indicating that she was not going to be using planning dollars and then she found out from US DOT that the state of North Dakota could use planning dollars as long as it was presented to the local LEPC and they agreed to use the funding for flow studies. Karen related that she received more than enough applications to use the planning dollars. Three counties, Grand Forks, Stutsman and Wells are all doing assessments with their flow studies. The derailment in Cass County near Casselton concerned many people as numerous communities that have railroads running through their areas are focusing on rail activity and what is flowing through the counties. She went to state Standing Rock, Mercer and LaMoure counties are all doing extra studies as well as they have rail traffic through these areas. These activities are going well and the grants for this year end September 30, 2014. Lastly Karen related that she still has some planning dollars remaining and she has contacted the counties doing projects and things are going well in those counties and they are on track.

Chairman Wilz then provided information pertaining to a letter to Tier II facilities for non-reporting.

Secretary DeBoer then provided information on a letter in the SERC Members folder dated September 22, 2014 regarding this issue. Wilz went on to relate that as an agency NDDES is going to have to tighten down on this as staff came to him this past week and were befuddled with the fact that Tier II reporting from a number of entities was over 200 days late. He continued with indicating that a firm letter was drafted asking entities to respond as to why they were late.

Chairman Wilz went on to report that NDDES had approximately 25 facilities that had additionally filed reports and we have not heard anything else from them. He stated his goal was, if nothing is heard from an entity within 30 days or a set deadline, there should be a second letter and then a third letter should go to them 30 days after that and here we are at 200 days late. Hopefully with this or these letters, the entities will take this serious and get their reports in so we do not have to turn over actions to the Attorney General's Office. Traditionally the entities have been great. Since he has been the SERC Chairman and the Homeland Security Director there has only been one facility that we had to make a recommendation to the Attorney General. Chairman Wilz related that he would keep the SERC apprised of what is occurring with this. Lastly Wilz related that hopefully this can be remedied and we will not have to make any recommendations to the Attorney General's Office, which is our recourse to take formal legal action to resolve the issue with the North Dakota Century Code (NDCC).

Doug Scheetz representing the Tesoro Mandan Refinery asked Chairman Wilz if he could follow up next month on response to this letter. He related that he could send out an email to the SERC and advise members on how many of the 25 responded. In some cases, the company may no longer exist. They could have been consumed by another company so he did not want to say that everybody is delinquent.

Secretary DeBoer then presented information on a revision to the Oil and Gas Guide for the reporting of facilities. DeBoer related that one of the things in the federal law, is that it talks about the chemical saltwater or brine whatever you want to call it, is a naturally occurring chemical. And since it was naturally occurring would not have to be reported. This was established by the previous Director (Ron Affeldt) back in 1994. Things have changed since that time. At the time there was no Material Safety Data Sheet (MSDS) for saltwater/brine. As a requirement for a Tier II reporting chemical if the Occupational Safety and Health Administration (OSHA) requires you to post or have available for your employees a MSDS and you have that chemical at a level which meets or exceeds the threshold planning quantity (TPQ) then it must be reported on a tier II. Saltwater now has a MSDS so that makes it effective and what we are doing is, effective January 1, 2015, for reporting year (RY2014), anybody that has production water will now have to report the saltwater/brine on their Tier II.

Kathleen Spilman then challenged Secretary DeBoer's logic. She went on to state, "The law

requires a facility to report chemicals that are required to have a Safety Data Sheet (SDS). Okay, just because a SDS exists, doesn't make it subject to the rule. Case and point. You will have SDS's on drinking water. There are companies who have created safety data sheets on your bottled water drinking water because it's less intrusive to do so than to deal with people requesting an SDS and responding, "Well it's not required, we haven't prepared one." Now that could depend whether or not saltwater is covered. The fact that a SDS is not the same as required to exist. So I will challenge the definition that you're using."

Secretary DeBoer replied that he disagreed with her information because he interprets it as OSHA requiring a MSDS and if it meets or exceeds the TPQ, then it has to be reported.

Ms. Spilman then stated, "Going back to the original point, the difference between whether or not a SDS exists and whether or not when it's required to exist.

DeBoer related that he would have to research the regulation and review the verbiage. DeBoer then related that this information is being provided to oil companies in October (by letter) that have production water on their facilities that it will have to be reported.

Chairman Wilz then stated, "But we will validate the change."

Secretary Ray DeBoer then presented information on revision to the Local Emergency Planning Committee (LEPC) Handbook. He reported that some verbal changes like changing "should be" to "will be" where appropriate or "will be" to "could be." He lastly reported that the document is on the NDDes website.

Chairman Wilz then related that he had been looking forward to the next section on the agenda which is a briefing from two local LEPC's. Wilz introduced the Mercer County EM (Carmen Reed) and her LEPC Chairman (Warren Herman). Wilz continued and thanked Mr. Herman for agreeing to come in and talk to the SERC today. He related that the SERC over the last few months, maybe years, has had a keen interest in how are things really going out there for the LEPC's. He related that the SERC has had briefing from the Regional Coordinators, but this is the first attempt in bringing somebody from the LEPC in and talk to the SERC of how things are going in their respective communities. He also related that he anticipated questions from SERC members.

Warren Herman Mercer County LEPC Chair introduced himself. He related that he was elected as the LEPC Chair in 2012. Warren continued with a briefing on his background in which he related that he works at the Dakota Gasification Company (DGC) which is a Tier II facility. He went on to state that he (as a Dakota Gasification Plant employee) supports the LEPC and works with them. He continued to indicate that the Dakota Gasification Company (DGC) has taken a more proactive approach working with the LEPC and from this experience he has learned that they need more exercising. This has helped him

in both his day to day job and as being the LEPC Chairman. He also stated that he is the Emergency Response and Security Coordinator for Dakota Gasification Company and this aides him with the LEPC and again with his daily activities. Mr. Herman related that the Mercer County LEPC is very fortunate to have Carmen Reed as the Emergency Manager. He also stated that their LEPC is as good as it is because of Carmen. She's very proactive and active in obtaining grants for conducting training and exercising.

Chairman Wilz asked Mr. Herman how he would categorize the participation from the various agencies on his LEPC.

Mr. Herman replied that he felt that all agencies are very engaged with the LEPC. There are many different factors that lead him to that statement. One being that the Beulah Fire Chief works at the Gasification plant as well. He has worked with him for numerous years and the Beulah Fire Chief along with the Hazen Fire Chief has a passion for both his daily job as well as being the Fire Chief. He continued and stated that all members have a passion for being engaged with their respective areas of expertise. There is also a very active fire response team.

Chairman Wilz then asked Mr. Herman if he thought his LEPC understands what the basic risk is within their community. He asked as an example, at their meetings do they discuss what's new, what's different, Tier II reports, etc. In general does he believe his LEPC understands what the risk is they face each and every day?

Mr. Warren answered with, he believes they do. They discuss Tier II reports, review maps for response. They determine where their resources are for a response. He also related that the firefighters that are associated with the LEPC understand the hazards better than the other LEPC members. He finished with stating that the LEPC is in very good shape as far as understanding the hazards.

Mr. Warren was asked what the makeup of his LEPC was. Is it mostly emergency response personnel or does he have other business people involved? LEPC Chairman Herman responded with stating that he has two business people involved. The County Commissioners are also supporting the LEPC as well. He went on to state that he would like to see more local businesses, (the ones on the smaller side of the Tier II reporting scale) show a little more interest. He and Carmen Reed have been working on this.

Carmen Reed then mentioned that, yes, they've got the cities, the county responders and the plants. They've got the mines and that gasification plant and the other plants in the county, but she did report that she has not been actively recruiting them. So that is something she has to look into. Maybe go the Cenex's, etc. She did relate that she has the schools engaged as well as some of the agricultural businesses.

Kathleen Spilman then asked Carmen, "On a scale of 1 to 10, how do you feel that your organization is prepared to deal with an emergency that is reasonable foreseeable in your county"? Or, the county as a whole. Are you comfortable that you have the necessary training and resources to deal with those situation that you would be called upon to respond to?

Mr. Herman responded by stating he thought they were in the 8 range. He went on to add that last year they completed a full-scale exercise at the Gasification Plant. This exercise opened a lot of eyes for a lot of different personnel. They found things that they never thought would occur as a problem. One example being, we have a medical facility at the plant. We have registered nurses (RN's), we have a doctor, we have a secretary and they talk with the hospital daily. They know the phone numbers off the top of their heads and when it came to doing a full-scale exercise it was then learned that the secretary is in the trenches helping out. Coordinating the patients coming in and out of the triage area. Phone calls were being forwarded to her rather than to through the emergency line from the hospital. No one answered the call. Little things like that. Making sure the hospital had the right contact number. You find things in those exercises, so if you can challenge the local businesses to participate in the exercises it really opens their eyes.

Chairman Wilz then introduced the Nelson County LEPC Chairman, Ron Miller. Mr. Miller related they are currently in the process of recertifying their LEPC. He stated they are pretty well covered. They have rural fire departments that are involved. The fire departments are not paid, as all are volunteers. There is a hospital in the county and a nurse on the LEPC. There is also a school superintendent, a county superintendent, county health nurse and county commissioners.

Chairman Wilz then asked Mr. Miller along with Mr. Herman and Ms. Reed how often do their LEPC's meet. All three individuals related that they are meeting quarterly. Mr. Miller from Nelson County did report that they are meeting monthly right now since they are going through recertification.

Kathleen Spilman then asked Mr. Miller where the hospital in the county was located. He replied that it was in McVille. Ms. Spilman then asked Mr. Miller what the biggest chemical threat was in his county. He replied "crude oil," as they have four crude oil rail trains come through Lakota every day.

Ms. Spilman then asked Mr. Miller what he thought his county's rating would be on a scale of 1 to 10. He replied about a 7.

Mr. Miller was then asked if any of his emergency personnel have been to training for rural fire. He responded that they usually go to the State Fire School and any regional fire schools.

Doug Scheetz representing Tesoro Mandan Refinery asked, "Are there any needs that you see that the state could provide you? Or that the SERC could provide you"? Mr. Miller replied that the state and the SERC have done pretty well. They've been doing a pretty good job with his LEPC.

Chairman Wilz then asked Mr. Miller, "In terms of your fire departments, are they all full and if they are full, what is the age spread amongst the members as a lot of the smaller rural departments have older firefighters. Mr. Herman replied that his age was "60." He went on to reply to Chairman Wilz that the fire departments are on the higher age level. He included that they are getting some young farmers starting to join up. When planting and harvest season comes along you don't see them as often, but in the winter time they are good at responding and assisting.

Chairman Wilz then thanked Mr. Miller for providing the briefing on his LEPC. He went on to tell Mr. Miller that he hoped he could see what the SERC does. The things the SERC is looking at, the things they are concerned about. He went on to state that the SERC wants the LEPC's to be successful and at a minimum we want you to understand what the risk environment is which you live and operate each and every day and we want to know what your ability is to respond to those risks. And the gap there, that gap really want you all to tell the SERC If there is anything that the SERC can do for the LEPC's to help, then indirectly, how does, state resources or other resources brought in through a variety of systems. Put them in the area to close that gap and if we cannot close that gap, directly attempt to obtain other resources that can help.

Mr. Miller asked Chairman Wilz if the SERC was associated with the Grand Forks Haz-Mat Team. Mr. Wilz replied that they are. Mr. Herman then asked Wilz that for Nelson County major incidents the Grand Forks Haz-Mat Team could be contacted and he went on to state that the Grand Forks Haz-Mat Team has been a great help to his communities.

Chairman Wilz then asked if anyone had anything to discuss. Carmen Reed the Mercer County EM related that what makes her feel good as an emergency manager is that every year Mercer County LEPC does table top, functional and full-scale exercises and they have to continue that to continue to see where the gaps are.

Secretary DeBoer then provided information on two topics that came in after the agenda had been sent out. The first was that CSX railroad now has an app for smart phones and iPhones that can be utilized to help in Haz-mat train accidents for first responders.

Next DeBoer reported on a news program on NBC regarding older gas pipelines in cities (particularly on the east coast.) The older pipelines made out of steel were installed in the 40's, 50's and 60's and they are now corroding and cracking and creating problems. The concern is that an incident similar to what happened in California 4 years ago could happen anywhere in the US.

Adjourn

The date for the 104th SERC meeting was set for December 3rd, 2014 at 1:30 p.m., at the ND Department of Emergency Services-Division of Homeland Security Conference Room, Building 35,

Fraine Barracks, Bismarck, North Dakota. A back-up date of December 10th, 2014 was selected if the meeting scheduled for December 3rd cannot be held.

A motion was made by Jeff Bitz to adjourn, with a second from Curt Zimmerman. The 103rd SERC meeting adjourned at 2:45 p.m.

Respectfully submitted:

A handwritten signature in black ink, appearing to read 'Greg Wilz', written in a cursive style.

Greg Wilz, Chairman